

REMARKS

A. Status of the Claims

Claims 1, 4-11, 13, 16, 20-23 and 26 are pending in the above-identified application, from which Claims 6-10 and 20-23 are withdrawn. Claims 1, 11, 13, 16 and 26 stand rejected. Claim 1 is amended as described below. Support for this amendment is found throughout the specification, including, but not limited to, paragraph [0089]. No new matter is added by this amendment. Claims 6-10, 20-23 and 26 are canceled. Accordingly, upon entry of this amendment, Claims 1, 4, 5, 11, 13, and 16 are presented for further examination.

B. Objections to the Specification

The title is objected to because in a prior amendment, the term“(GALAT1)” was inserted without underlining. Accordingly, Applicants have underlined “(GALAT1)” in the present amendment.

The abstract is objected to because it does not specify that the gene elected for prosecution is the Arabidopsis GalAt1 gene. Applicants have amended the abstract so as to include the information that the gene was identified in Arabidopsis.

C. Rejection of Claims under 35 U.S.C. §112, First Paragraph, Written Description

Claims 1, 11, 13, 16, and 26 are rejected under 35 U.S.C. § 112, ¶1, as allegedly failing to comply with the written description requirement. Office Action, page 4.

Although Applicants do not agree with the substance of the rejection, as applied to the previous claims, Applicants believe that the rejection is mooted by the following amendment. Claim 1 is amended to recite, in part,

“a polypeptide having galacturonosyltransferase (GALAT1) activity, wherein the polypeptide comprises an amino acid sequence identical to or comprises a sequence with at least 95% 50% amino acid sequence similarity with the sequence set forth in SEQ ID NO:2 and wherein the galacturonosyltransferase catalyzes transfer of galacturonosyl residues to an oligomer of galacturonic acid residues”

Accordingly, Applicants respectfully request the withdrawal of the 35 U.S.C. § 112, written description rejection.

D. Rejection of Claims under 35 U.S.C. §102

Claims 1, 11, 13, and 16 are rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Harper *et al.* (US Patent Publication No.: 2002/0160378; “Harper”). Additionally, these claims are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Liu *et al.* (US Patent Publication No.: 2004/0034888; “Liu”).

The Office Action states that “Harper *et al.* teach a nucleic acid encoding a protein with 53.7% identity to the instant SEQ ID NO:2 . . . [and] Liu *et al.* teach a nucleic acid encoding a protein with 64.1% identity to the instant SEQ ID NO:2.”

While Applicants disagree with the Examiner’s analysis and assumptions regarding these references, in order to advance the instant application to allowance, Claim 1 has been amended, as described above, to recite in part,

“a polypeptide having galacturonosyltransferase (GALAT1) activity, wherein the polypeptide comprises an amino acid sequence identical to or comprises a sequence at with least 95% 50% amino acid sequence similarity with the sequence set forth in SEQ ID NO:2 and wherein the galacturonosyltransferase catalyzes transfer of galacturonosyl residues to an oligomer of galacturonic acid residues”

Neither of the cited references, Harper nor Liu, discloses a sequence with 95% sequence similarity as claimed. Accordingly, the cited art does not disclose each and every element of the claimed invention. Therefore, Applicants respectfully request withdrawal of the 102(b) rejection based on Harper and Liu.

E. Rejection of Claims under 35 U.S.C. §103(a)

Claims 1, 11, 13, and 16 stand rejected as allegedly obvious over Brummell *et al.* (Plant Molecular Biology (2001) 47:311-340; “Brummell”) in view of Tavares *et al.* (Plant Molecular Biology (2000) 42:703-717; “Tavares”).

As noted above, amended Claim 1 recites, in part,

“a sequence encoding a polypeptide having galacturonosyltransferase (GALAT1) activity, wherein the polypeptide comprises an amino acid sequence identical to or comprises a sequence at with least ~~95%~~ ~~50%~~ amino acid sequence similarity with the sequence set forth in SEQ ID NO:2 and wherein the galacturonosyltransferase catalyzes transfer of galacturonosyl residues to an oligomer of galacturonic acid residues”

Accordingly, the claimed composition recites a sequence with at least 95% amino acid sequence similarity. Applicants respectfully submit that the cited references do not disclose a sequence as claimed. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1, 11, 13, and 16 under 35 U.S.C. § 103(a).

Conclusion

Applicants submit that the present Application is in condition for allowance and respectfully request the same.


If any issues remain, the Examiner is invited to contact Applicants' representative at the number provided below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 04-0258.

Respectfully submitted,

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By: _____


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